

Commonwealth of Massachusetts
Board of Public Accountancy
December 3, 2015
1000 Washington Street, Room 1D
Boston, MA 02118

Board Members Present:

Regina D. Hunter, CPA, *Chairwoman*
Mark S. Robinson, CPA, *Secretary*
Randall S. Davis, CPA, *Member*
Robin Kramer, CPA, *Member*

Board Members Not Present:

Open Seat, *Public Member*

Staff Members Present:

James A. O'Connor, *Board Legal Counsel*
Caroline Quan, *Board Staff*
Ana Garcia, *Executive Director*

Call to Order the meeting was called to order at 10:08AM by Chairwoman Hunter.

Housekeeping and Evacuation Procedures

Board Legal Counsel O'Connor discussed the emergency evacuation procedures including a specified meeting location outside the building so all may be accounted for in the event of an actual emergency (the location is across the street from the front of the building at the entrance to Whole Foods). For the enjoyment and comfort of all attending, locations of restrooms and dining facilities were also reviewed.

Interim Executive Director Garcia informed the Board that she had conflicting board meetings today and that she would be required to attend the other meeting for the majority of the morning and would join our meeting when time would permit her to do so. It was also announced to the Board that Ms. Garcia was promoted and would be the Board's Executive Director moving forward. Board members conveyed their congratulations and wished her great success in her new role.

General Business: 10:00 AM

- Minutes of August 20, 2015
- Minutes of October 15, 2015
- Minutes of June 18, 2015

The Board reviewed the meeting minutes for the above referenced meetings. Thereafter, a motion was made by Member Kramer and seconded by Chairwoman Hunter, the Board voted unanimously to approve these minutes for all 3 meetings.

Investigative Unit Updates: *[open session]*

- Chief Investigator Christopher Carroll

Chief Investigator Carroll appeared before the Board as a vehicle of introduction to all Board members, some of whom had not been introduced to him previously. Chief Investigator Carroll provided the Board with history & background of the Office of Investigations and further on the ability to work on behalf of the Board of Accountancy. Also discussed was the fact that our Board has an assigned investigator, Gary Williamson who is very experienced with Board of Accountancy investigations and has served the Board for many years. Chief Investigator Carroll has also served in the Board in the past in the role of Board Legal Counsel.

Chief Investigator Carroll concluded his comments with a general reminder for the Board to always consider requesting assistance from the Office of Investigations as it is a resource available to the Board.

Chairwoman Hunter thanked Mr. Carroll for taking the time to address the Board. No further Board action was required.

Regulation Discussion: *Per Executive Order 562*

The Board continued its review of the regulations pursuant to Executive Order 562, issued by Governor Baker on March 31, 2015.

Zachary Donah, Director of Governmental Affairs at the Mass Society of CPAs, Inc. was the only member of the public attending.

Board Legal Counsel O'Connor led the Boards review. Suggested changes to the regulations were made on a copy of the regulations in redline format, made by Board Staff Member Quan.

The following were areas of significant discussion and potential regulation revision:

- Elimination of the Non-Reporting license.
- In conjunction with elimination of the non-reporting license, a review and revision to the general experience requirement to become a licensed CPA in the Commonwealth.
- Modification of the regulations for CPE, allowing for CPE credit for sessions lasting less than 50 minutes in duration.
- Modernization of the section of regulations related to Peer Review as the regulations had become outdated with changes to that process.
- Revisions to the definitions section of the regulations.

After significant discussion and revision, The Board concluded that the review and redrafting of regulations was completed and done in a fashion meeting the requirements of Executive Order 562.

Thereafter, a motion was made by Member Kramer and seconded by Chairwoman Hunter, the Board voted unanimously to approve the draft of the revised regulations.

New Cases: *under G.L. c. 112 s. 65C [Closed Session]*

This was tabled until a later time in today's meeting.

Discuss Settlement Offer: *Prosecutor Mary Pixley – M.G.L. c. 112 §65C [Closed Meeting]*

On a motion by Member Kramer, seconded by Chairwoman Hunter Member, the Board voted unanimously to suspend the open meeting pursuant to G.L. c. 112 §65C to discuss settlement offers on cases:

- CA-15-022 [T.R.]

The Board took the following action:

The Board recommended a fine in the amount of \$1,000 and a reprimand. In addition, the licensee should complete the required CPE.

- CA-14-025 [S.O.]

The Board took the following action:

The Board recommended a 2 year suspension.

Candidate Interview: *under G.L. c. 30A [Executive Session]*

The Board continued to suspend the open meeting moving directly from a closed meeting under G.L. c. 112 §65C to an Executive Session under G.L. c. 30A to conduct a candidate interview (a unanimous Roll- Call vote was taken):

- Moral Character [B.M.]

The Board took the following action:

The Board conducted the interview. At its conclusion the applicant was advised of his right to stay with the Board as it discussed his application for reinstatement, the applicant choose to do so. The Board discussed the situation and reached a conclusion that the applicant should revisit his application for reinstatement of his license the Board in the future, most likely when his probation period has been completed.

The applicant for reinstatement thanked the Board for its consideration and told the Board that he would take the matter under advisement.

(Tabled previously) New Cases: *under G.L. c. 112 s. 65C [Closed Session]*

The Board continued to suspend the open meeting moving directly from an Executive Session under G.L. c. 30A (a unanimous Roll- Call vote was taken to conclude and exit) to a closed session under G.L. c. 112 §65C to review cases:

- PCAOB Referrals

The Board took the following action:

Member Kramer reported on PCAOB Referrals on 11 different firms. She reported that, in general, the referrals reflect a trend of improvement in compliance and quality. Chairwoman Hunter thanked Member Kramer for her report; it was recommended that the Board need not take any action regarding the PCAOB Referrals.

- BDO Referral

The Board took the following action:

The Board asked that a Staff Assignment be opened regarding this matter and that additional information be obtained.

Investigative Conference: Review Cases *under G.L. c. 112 s. 65C [Closed Session]*

The Board continued to suspend the open meeting moving directly from an Executive Session under G.L. c. 30A to a closed session under G.L. c. 112 §65C to review cases:

- AICPA [T.F.]

The Board took the following action:

The Board asked that a Staff Assignment be opened regarding this matter and that additional information be obtained.

- CA-16-006 [D.R.]

The Board took the following action:

The Board sent the matter to prosecutions for conduct unbecoming, failure to file and providing false information on an application.

- CA-16-003 [R.M.]

The Board took the following action:

The Board sent the matter to prosecutions recommending a fine in the amount of \$4,000.

- CA-15-052 [W.D.]

The Board took the following action:

The Board requested further investigation of the matter.

- CA-15-043 [R.D.]

The Board took the following action:

The Board sent the matter to prosecutions for conduct unbecoming.

- CA-15-055 [M.R.]

The Board took the following action:

The Board sent the matter to prosecutions for suspected unlicensed practice of public accounting recommending maximum allowable fines for each such incident.

Additionally, the Board asked staff to open a separate complaint against a different licensee who was involved with this case.

This complaint may be referred to the office of prosecutions directly for peer review violations and unfavorable conduct.

Deliberative Session: *under G.L.30A §18(5)(d) [Closed Session]*

The Board continued to suspend the open meeting moving directly from a closed session under G.L. c. 112 §65C to a closed session under *G.L.30A §18(5)(d)* to conduct a deliberative session:

- CA-15-042 [S.S.]

The Board took the following action:

No Board action was required after discussion.

At the conclusion of the deliberative session, the Board returned to open session.

Review of Application-Deficiencies: *[Open Session]*

- Review of Short Form Application - [J.C.] **[tabled]**

The Board took the following action:

The Board found this applicant not eligible for the short form application and advised staff to instruct to file a long form.

- Reinstatement Request - [K.K.] **[tabled]**

The Board took the following action:

The Board denied the reinstatement request based on past history and its belief that reinstatement would present a risk to the safety of the general public.

Correspondences:

The Board addressed and reviewed the items of correspondence as publicized in its agenda. The correspondence and the Board's action regarding each are as follows:

- Letter dated 9/30/15 from Jamie T. Rame, CPA re: Peer Review

The Board tabled this matter.

- Letter dated 11/16/15 from Chrissie Saponjian, CPA re: CPE Extension

The Board denied the request.

- E-mail dated 10/7/15 from Chris King, CPA re: CPE's

The Board requires additional information to respond.

- E-mail dated 11/4/15 from Stacy Bugg, CPA re: CPE's

The Board approved 10 hours of CPE credit.

- Letter dated 9/8/15 from Kyle Metayer, CPA re: CPE's

The Board denied the request.

- E-mail dated 11/5/15 from Matt VonDette, CPA re: CPE's

The Board approved 40 hours of CPE credit.

- E-mail dated 11/5/15 from Melanie St Franc, CPA re: CPE's

The Board approved 8 hours of CPE credit subject to suitable demonstration of completion.

New Business:

Open Session for Topics not reasonably anticipated by the Chair 48 hours in advance of meeting

As is the customary process at the conclusion of the December meeting, the Board discussed the reconfiguration of its slate of officers for the following year (2016). The slate of officers proposed was as follows:

Chairman
Secretary

Randall S. Davis, CPA
Regina D. Hunter, CPA

On a motion by Secretary Robinson, seconded by Member Kramer, the Board voted unanimously to approve the slate of officers listed above.

Additionally, the Board wished to acknowledge the outstanding work of Member Robin Kramer, CPA as this was her last meeting on the Board. Her 5 year term was complete and she would not be seeking reappointment. The Board thanked her for her dedication and outstanding work over those 5 years and wished her the very best success in future endeavors.

Adjournment

Chairwoman Hunter obtained assurance from the Board's staff that the day's agenda had been completed, and there being no objections, on a motion by Member Davis seconded by Member Kramer, the Board voted unanimously to adjourn the December 3, 2015 meeting at 3:10PM.

Respectfully submitted,

Mark S. Robinson, CPA
Secretary,
Massachusetts Board of Registration of Public Accountancy

List of Documents Used by the Board at the Open Meeting:

Letter dated 9/30/15 from Jamie T. Rame, CPA re: Peer Review
Letter dated 11/16/15 from Chrissie Saponjian, CPA re: CPE Extension
E-mail dated 10/7/15 from Chris King, CPA re: CPE's
E-mail dated 11/4/15 from Stacy Bugg, CPA re: CPE's
Letter dated 9/8/15 from Kyle Metayer, CPA re: CPE's
E-mail dated 11/5/15 from Matt VonDette, CPA re: CPE's
E-mail dated 11/5/15 from Melanie St Franc, CPA re: CPE's

List of Documents Used by the Board at the Open Meeting on topics not reasonably anticipated by the Chair 48 hours in advance of meeting:

None

